



BUSINESS PAPER

GENERAL MEETING

**Wednesday 8 March 2023
at 6:30PM**



TABLE OF CONTENTS

AGENDA AND SUMMARY OF RECOMMENDATIONS

RESCISSION MOTIONS

MAYORAL MINUTES

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

GENERAL BUSINESS

Office of the General Manager

Item 1	GM8/23 Provision of Renewable Energy Infrastructure	1
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Corporate Support Division

Item 2	CS4/23 Administration of Council's 2024 Local Government Election.....	5
Item 3	CS10/23 Investments and Borrowings for 2022/23 - Status for Period Ending 31 January 2023.....	11

Community and Environment Division

Nil

Planning and Compliance Division

Item 4	PC4/23 Report on Submissions - High Street and Ashley Street Planning Proposal.....	14
--------	--	----

Infrastructure and Major Projects Division

Item 5	IM1/23 Westleigh Park - Master Plan and Plan of Management	24
Item 6	IM2/23 Hornsby Park	35

PUBLIC FORUM – NON AGENDA ITEMS

QUESTIONS WITH NOTICE

MAYOR'S NOTES

Item 7	MN2/23 Mayor's Notes 01 February 2023 to 28 February 2023	45
--------	---	----

NOTICES OF MOTION

Item 8	NOM2/23 Trove Funding	46
--------	-----------------------------	----

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

AGENDA AND SUMMARY OF RECOMMENDATIONS

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and GuriNgai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

VIDEO AND AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

DECLARATIONS OF INTEREST

Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Clause 4.16 and 4.17 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

- 4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*
- 4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:*
- a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - b) at any time during which the council or committee is voting on any question in relation to the matter.*

Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a non pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

- 5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:*
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.*

CONFIRMATION OF MINUTES

THAT the Minutes of the General Meeting held on 8 February, 2023 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS**Note:

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

OFFICE OF THE GENERAL MANAGER**Page Number 1****Item 1 GM8/23 PROVISION OF RENEWABLE ENERGY INFRASTRUCTURE****RECOMMENDATION**

THAT Council prepare tender documentation for the provision of renewable energy infrastructure that could be installed at Hornsby Park and / or Westleigh Park.

CORPORATE SUPPORT DIVISION**Page Number 5****Item 2 CS4/23 ADMINISTRATION OF COUNCIL'S 2024 LOCAL GOVERNMENT ELECTION**

RECOMMENDATION

THAT:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Page Number 11**Item 3 CS10/23 INVESTMENTS AND BORROWINGS FOR 2022/23 - STATUS FOR PERIOD
ENDING 31 JANUARY 2023****RECOMMENDATION**

THAT the contents of Director's Report No. CS10/23 be received and noted.

COMMUNITY AND ENVIRONMENT DIVISION

Nil

PLANNING AND COMPLIANCE DIVISION**Page Number 14****Item 4 PC4/23 REPORT ON SUBMISSIONS - HIGH STREET AND ASHLEY STREET
PLANNING PROPOSAL****RECOMMENDATION**

THAT:

1. Council endorse the High and Ashley Street Planning Proposal as exhibited (attached to Director's Report No. PC4/23) and submit it to the Department of Planning and Environment for finalisation.
2. Council endorse the Hornsby Development Control Plan 2013 amendments (attached to Director's Report No. PC4/23) to come into force upon finalisation of the Planning Proposal.
3. Submitters be advised of Council's decision.

INFRASTRUCTURE AND MAJOR PROJECTS DIVISION

Page Number 24**Item 5 IM1/23 WESTLEIGH PARK - MASTER PLAN AND PLAN OF MANAGEMENT****RECOMMENDATION**

THAT:

1. Council note the content of Deputy General Manager's Report No. IM1/23.
2. Council endorse the exhibition of the draft Plan of Management for Westleigh for a minimum period of 28 days.
3. Council endorse the publication of the updated draft Master Plan in conjunction with the exhibition of the draft Plan of Management.
4. A further report be presented to Council following the conclusion of the exhibition, public hearing and submission period.

Page Number 35**Item 6 IM2/23 HORNSBY PARK****RECOMMENDATION**

THAT COUNCIL:

1. Endorse the development and delivery of the Base Case (Crusher Plant, tracks and trails and lookouts to the south and west of the quarry void) in the short term (mid-2024).
2. Identify its preference for either Option 1 – Old Mans Valley play space (end of 2025 at the earliest) **OR** Option 2 – the canopy skywalk and cable bridge that links Hornsby Town Centre to the Crusher Plant (mid-2024).

PUBLIC FORUM – NON AGENDA ITEMS**QUESTIONS WITH NOTICE****MAYOR'S NOTES****Page Number 45****Item 7 MN2/23 MAYOR'S NOTES 01 FEBRUARY 2023 TO 28 FEBRUARY 2023****NOTICES OF MOTION****Page Number 46****Item 8 NOM2/23 TROVE FUNDING**

COUNCILLOR MCINTOSH TO MOVE

That Council:

1. Make representation to the local Federal Member, Julian Leeser MP, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
2. Write to the Federal Minister for the Arts, the Hon Tony Burke MP and the Shadow Minister for the Arts, the Hon Paul Fletcher MP calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
3. Endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

SUPPLEMENTARY AGENDA

MATTERS OF URGENCY

4 REPORT ON SUBMISSIONS - HIGH STREET AND ASHLEY STREET PLANNING PROPOSAL

EXECUTIVE SUMMARY

- At its meeting on 13 July 2022, Council resolved to endorse progression of the High and Ashley Street Hornsby Planning Proposal and associated amendments to the Hornsby Development Control Plan 2013 (HDCP).
- The Planning Proposal seeks to increase the maximum building height for No. 2 and No. 4 High Street, Hornsby to 12 storeys (38.5 metres), and for RSL owned land in Ashley Street and Webb Avenue, Hornsby to 6 storeys (20.5 metres) for seniors housing only.
- The Planning Proposal was submitted to the Department of Planning and Environment (DPE) for a Gateway Determination. The Determination was issued on 22 August 2022 authorising Council to proceed to public exhibition, subject to conditions, including further design analysis.
- The Planning Proposal was amended to address the Gateway conditions and exhibited with associated draft amendments to the HDCP from 1 December 2022 to 31 January 2023.
- A total of 43 submissions were received. Approximately half the submissions support the proposal and 17 submissions raise concerns. Key issues raised include character, carparking, traffic, overshadowing, road infrastructure and residential amenity. No objections from public authorities were received.
- Matters raised in submissions are addressed in this report and no changes are proposed to the Planning Proposal in response to submissions. It is recommended that Council endorse the Planning Proposal attached to this report and approve the attached HDCP amendments.

RECOMMENDATION

THAT:

1. Council endorse the High and Ashley Street Planning Proposal as exhibited (attached to Director's Report No. PC4/23) and submit it to the Department of Planning and Environment for finalisation.
2. Council endorse the Hornsby Development Control Plan 2013 amendments (attached to Director's Report No. PC4/23) to come into force upon finalisation of the Planning Proposal.
3. Submitters be advised of Council's decision.

PURPOSE

The purpose of this Report is to address matters raised in submissions received during the exhibition of the High Street and Ashley Street, Hornsby Planning Proposal (Planning Proposal) and associated amendments to the Hornsby Development Control Plan 2013 (HDCP) and to seek Council's endorsement to finalise the Planning Proposal and HDCP amendments.

BACKGROUND

The High and Ashley Street Planning Proposal relates to two sites in the Hornsby Town Centre:

- Site 01: Property No. 2 High Street (Lot 1 DP 585721) Hornsby – the Hornsby War Memorial Hall and Property No. 4 High Street, Hornsby (Lot 2 DP 817649) – the Hornsby RSL Club; and
- Site 02: Property Nos. 7, 9, 11, 15, 17 and 19 Ashley Street, Hornsby (Lots 1, 2, 3, 4, 5, 6 DP 222907) and Property Nos. 2 and 4 Webb Avenue, Hornsby (Lots 7 and 8 DP 222907).

The Planning Proposal would amend the Hornsby Local Environmental Plan 2013 (HLEP) as follows:

- Site 01: Increase the maximum building height from 26.5m to 38.5m (12 storeys).
- Site 02: Increase the maximum building height from 10.5m to 20.5m (6 storeys) for the purpose of seniors housing only.

No changes to land use zones or permissible land uses are proposed.

The HLEP amendments are proposed to facilitate the mix of land uses, urban densities, dwelling supply and job creation opportunities identified for the sites in the draft Hornsby Town Centre (HTC) Masterplan. These land uses are reflected in development concept plans prepared on behalf of the RSL Club. Anticipated land uses include hotel/serviced apartments, shop-top housing, expanded club and commercial uses on Site 01 and a seniors housing development on Site 02.

On 13 July 2022, Council considered Director's Report No. PC17/22 regarding the Planning Proposal and associated HDCP amendments and resolved that:

1. *Council endorse the progression of the High Street and Ashley Street Planning Proposal attached to Director's Report No. PC17/22 for submission to the Department of Planning and Environment for a Gateway Determination.*
2. *Subject to receipt of a Gateway Determination, the Planning Proposal be publicly exhibited in accordance with the consultation strategy identified in this Report.*
3. *Council endorse the amendments to the Hornsby Development Control Plan attached to Director's Report No. PC17/22 for exhibition concurrently with the Planning Proposal.*
4. *Following exhibition, a report on submissions be presented to Council for its consideration.*

In accordance with Council's resolution:

- The Planning Proposal was submitted to the Department of Planning and Environment (DPE) for a Gateway Determination on 20 July 2022.
- DPE issued a Gateway Determination on 22 August 2022, permitting Council to progress community consultation subject to conditions (Attachment 1).
- The Planning Proposal was amended and, along with draft HDCP amendments, was exhibited from 1 December 2022 to 31 January 2023 (Attachment 2 and 3).

This Council report has been prepared to address submissions received during the exhibition.

DISCUSSION

The Gateway Determination authorised Council to proceed with the Planning Proposal subject to conditions and authorised Council as the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In summary, the Gateway Determination conditions included:

- Clarification of land use mix, further objectives to describe the intended development, updating references and consideration of State planning controls related to seniors housing.
- Updating supporting studies, including design and heritage documentation.
- Shadow diagrams addressing solar access and overshadowing to demonstrate compliance with Apartment Design Guide standards.
- Identifying the maximum number of car spaces needed to support the proposed seniors housing and incorporating a cap on car parking.
- Providing an estimated timetable for the delivery of transport and infrastructure improvements relating to this proposal.

The Planning Proposal, draft HDCP amendments and supporting studies were updated as required by the Gateway Determination conditions prior to exhibition. Updated studies include amended Design Concepts, a Design Statement, a Heritage Impact Statement and a Shadow and Solar Access Assessment.

Exhibition

The Planning Proposal was exhibited between 1 December 2022 and 31 January 2023.

During the exhibition, 43 submissions were received, comprising:

- 19 submissions supporting the Planning Proposal.
- 17 submissions objecting to the Planning Proposal.
- 2 submissions neutral to the Planning Proposal.
- 5 submissions from government agencies and infrastructure providers, none of which object to the Planning Proposal.

Submissions in support of the Planning Proposal note that it would:

- Add value to Hornsby and support development of the HTC west side.
- Accommodate seniors in a convenient location close to services.
- Facilitate provision of a high-quality hotel and conference facility that would improve accommodation and tourism options.
- Assist to meet housing demand and affordability
- Benefit the community and local area through employment generation and additional services.

Submissions objecting to the Planning Proposal raise the following issues:

- Built form and character of the Hornsby west side.

- Heritage.
- Traffic and car parking.
- Overshadowing.
- Residential amenity.
- Housing diversity.
- Alternative design outcomes.
- Public consultation processes.

In addition, some submissions raise concerns related to elements of the previously exhibited draft HTC Masterplan and draft Floodplain Risk Management Study and Plan (currently on exhibition). Concerns largely relate to the potential impacts of densification, accuracy and implications of flood maps and need for less technical language to explain impacts. These submissions have been provided to the relevant Council Sections for consideration and analysis and will be reported to Council separately.

No submission provided specific comment on the draft HDCP amendments. The key issues in submissions objecting to the proposal are discussed below.

Built form and character

Some submissions raise concerns about increased building height impacts on the existing character of Hornsby west side and that the proposed new building heights for the existing RSL site, the Hornsby War Memorial Hall and the proposed seniors housing site are not an appropriate transition zone between the HTC and existing low and medium density residential areas.

Comment

The Planning Proposal seeks to increase the maximum building height of the RSL Club and Hornsby War Memorial Hall from 26.5 metres to 38.5 metres. The increase in the maximum building height over the proposed seniors housing site from 10.5 metres to 20.5 metres would only be applicable if a future development application (DA) for the site is for the purpose of seniors housing.

Properties immediately to the north of the RSL Club and the Hornsby War Memorial Hall currently have maximum building heights ranging from 38.5 metres at the interface with adjoining lower density residential areas up to 77.5 metres along Peats Ferry Road.

The proposed building heights reflect the design principle of stepping building heights to create a transition to surrounding lower density areas. The proposed heights align with the draft HTC Masterplan which considers the Western heritage mixed-use development precinct. This precinct would conserve and enhance the heritage character of the Hornsby west side while supporting increased densities.

New building setback, heritage and podium height control amendments to the HDCP are proposed to support the Planning Proposal. For example, a 9 metre minimum upper floor setback is proposed for the western boundary of the RSL site with the intent to manage the visual, shadowing and privacy impacts of future multistorey development on adjoining residential properties.

Recommendation

That no changes are made to the Planning Proposal in response to submissions commenting on built form and character.

Heritage

Some submissions comment that the proposal could affect the significance of the Hornsby War Memorial Hall at No. 2 High Street.

Comment

In accordance with the Gateway Determination, a new Heritage Impact Assessment (HIA) has been prepared for the Planning Proposal. The HIA evaluates the potential impact of the existing and proposed maximum building height on the Hornsby War Memorial Hall.

It recognises that the War Memorial Hall is a “*prominent building within the Hornsby Town Centre of historical, aesthetic, and social heritage significance. Its heritage value is in its association with the Cenotaph on Peats Ferry Road and the adjacent RSL Club*”.

The HIA concludes that neither the existing or proposed maximum building heights would have direct adverse impact on the War Memorial Hall and would not compromise its fabric, form, or use.

Potential heritage impacts related to the proposed building height of 12 storeys at Nos. 2 and 4 High Street are to be managed through amendments to the heritage, building setback and height controls in the HDCP and the existing heritage provisions of the HLEP and Part 9 – Heritage of the HDCP. Proposed new HDCP controls require that new development on Nos. 2 and 4 High Street:

- Retains the significant fabric and setting of the Hornsby War Memorial Hall.
- Adopts a high quality and respectful contextual design approach that is sympathetic to and complements the War Memorial Hall’s significant fabric, form, setback, detail and landscaping.
- Is designed to provide for an integrated and holistic development outcome.

Notwithstanding the need to preserve the heritage significance of the War Memorial Hall, the proposed new HDCP controls in conjunction with existing HLEP and HDCP heritage provisions would not prohibit opportunities for sympathetic redevelopment of the War Memorial Hall.

Recommendation

That no changes are made to the Planning Proposal in response to submissions commenting on heritage impacts.

Transport and traffic

A number of submissions raise concern that the Planning Proposal does not address anticipated traffic and carparking issues, no major direct upgrades to existing public utilities and infrastructure were identified, and that the proposal would exacerbate streets crowded by resident and commuter parking.

Comment

The draft HTC Masterplan Transport Plan recommends a series of transport and infrastructure improvements to support the envisioned density and vehicle trip increases across the HTC at full development. The Transport Plan assumes a level of development on the RSL Club, War Memorial Hall and proposed seniors housing sites that aligns with the Planning Proposal.

In response to the Gateway Determination, the draft HDCP amendments exhibited with the Planning Proposal have been amended to cap on-site car parking rates to manage traffic impacts. The proposed seniors housing site would be capped to 124 carparking spaces (108 resident, 15

staff/visitor and 1 emergency vehicle). This is a reduction from 137 car parking spaces identified in the Design Concept, intended to limit traffic impacts to surrounding residential areas.

Other than the above, no further direct traffic management improvements are required outside the wider draft HTC Transport Plan. Traffic generated by a hotel, registered club and seniors housing uses would be distributed throughout the day, rather than adding substantially to AM and PM peak periods. Further the sites are located in close proximity to the Hornsby transport interchange, the HTC and existing services, reducing car reliance and use.

Any subsequent DAs would be required to demonstrate that they provide parking spaces consistent with Council controls and the HTC Transport Plan.

Recommendation

That no changes are made to the Planning Proposal in response to submissions commenting on transport and traffic impacts.

Overshadowing and solar access

Some submissions comment that the Planning Proposal's Shadow Analysis illustrates buildings not currently existing, does not compare shadows between existing and proposed maximum building heights and that the built form models depicted are inconsistent. Concerns were also raised that surrounding residences including the proposed seniors housing complex would be overshadowed by the RSL Club.

Comment

The Shadow and Solar Access Assessment illustrates the extent of shadows to be cast by indicative building envelopes equivalent to a 12 storey building on the RSL Club and War Memorial Hall site and a 6 storey building on the proposed seniors housing site. The Assessment has been undertaken in the context of the existing Hornsby height controls at full development and the recommended draft HTC Masterplan building heights across the HTC at full development. The assessment demonstrates that, if constructed in accordance with the design concepts as depicted, development would result in some overshadowing of surrounding properties in Forbes Street, Ashley Street and Webb Avenue during the day at the winter solstice. This would be required to be addressed in the design stages of any future DA to ensure that there is adequate solar access to adjacent development.

Approximately 60% of the proposed seniors housing would receive at least two hours of direct sunlight during the winter solstice. This does not comply with the requirements of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) requirements that at least 70% of seniors living dwellings receive at least two hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces. This reflects that the Design Concept was prepared when *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* was in force, which had a less restrictive requirement for solar access.

The indicative building envelopes used in the Shadow Analysis illustrate what could be achieved within the proposed maximum building heights. They do not illustrate the final design or form of a specific proposed building or its actual overshadowing, which is identified at the DA stage. The Shadow Analysis identifies several design opportunities at later design stages to improve the solar access of the seniors housing complex. They include reorienting buildings and reducing the number of apartments below the ground level of Ashley Street.

Any future DA would be required to demonstrate consistency with relevant shadowing guidelines, such as those within the Apartment Design Guide (ADG) and the Housing SEPP, to minimise overshadowing of neighbouring properties during the winter solstice.

Recommendation

That no changes are made to the Planning Proposal in response to submissions commenting overshadowing and solar access impacts.

Residential amenity

Concerns are raised in some submissions regarding noise, vibration, privacy, air and water quality impacts to residents during construction and possible property damage, disruption to residents from the RSL Club and other commercial operations, the removal of trees in the current RSL Club carpark which is habitat for local fauna and a fire plan in case of bush or structural fire.

Comment

The impacts to residential amenity that may arise from future construction and operation and the need for an evacuation plan in case of fire are all matters for consideration during assessment of a future Development Application. The Planning Proposal does not grant consent to any physical works. Any proposal to erect buildings would require assessment as part of the DA process.

Recommendation

That no changes are made to the Planning Proposal in response to submissions on residential amenity.

Housing diversity

Some submissions raise concerns that a hotel does not constitute diverse or affordable housing and does not contribute to meeting housing demand.

Comment

The Design Concept identifies that future redevelopment of the RSL Club and War Memorial Hall site would include 30 new apartments and the proposed seniors housing site would include 106 dwellings. This is in addition to 126 hotel/serviced apartments proposed.

The proposed dwellings would contribute to housing supply and diversity in the HTC. This is consistent with the priorities and actions of the Hornsby Local Housing Strategy 2020 (LHS) and the draft HTC Masterplan. Likewise, the mix of dwellings would be subject to housing diversity requirements in the HDCP, which require a mix of one, two and three bedroom dwellings.

Recommendation

That no changes are made to the Planning Proposal in response to submissions on housing diversity.

Alternative design outcomes

Concerns are raised that the Planning Proposal is an initiative to profit landowners without meaningful contributions to the community and that alternative development scenarios should be considered.

Comment

The Planning Proposal is a Council initiative, consistent with the building height and density recommendations of the draft HTC Masterplan and LHS. It incorporates indicative design concepts from a 2016 RSL Planning Proposal, which have been reviewed and evaluated in the preparation of the draft HTC Masterplan.

The Planning Proposal does not seek to rezone or introduce any additional land uses to the subject sites. The envisioned redevelopment of the RSL Club, War Memorial Hall and proposed seniors housing sites are all permitted land uses within the existing land use zones.

The Hornsby Seniors Housing Demand and Supply Review 2020 identifies that Hornsby Shire is expected to have a large increase in older people. The Planning Proposal would provide an incentive to satisfy a growing demand for appropriate housing to accommodate an ageing population in a well serviced consolidated site in proximity to the HTC.

The Planning Proposal would contribute to the renewal and revitalisation of the HTC. The redevelopment of the RSL Club and War Memorial Hall would have an attractor and multiplier benefit to the local economy because the HTC is not currently serviced with high quality accommodation, function centres and conference facilities. This is consistent with the aims of the draft HTC Masterplan and contributes to fulfilling the actions outlined in Council's Economic Development and Tourism Strategy 2021-2026.

The social impacts of any future development on the subject sites would be a matter for consideration during assessment of any future DA.

Recommendation

That no changes are made to the Planning Proposal in response to submissions on alternative design outcomes.

Future development opportunities

A submission from the Hornsby War Memorial Hall Committee Inc is generally supportive of the Planning Proposal but raises concerns about development opportunities and feasibility. The submission seeks a further height increase for the Hornsby War Memorial Hall site, further clarification about the heritage status of the site, clarification of permissible uses and raises concern about potential integration with the Hornsby RSL Club.

Comment

The proposed height limit under the Planning Proposal aligns with the building heights identified in the draft HTC Masterplan and follows a design principle of stepping building heights to create a transition to surrounding lower density areas. Any further increase in height would be inconsistent with the draft Masterplan.

In regard to heritage, the listing for the Hornsby War Memorial Hall site applies to the entire property. Heritage information has been prepared as part of the Planning Proposal which identifies the need to retain the significant fabric and setting of the Hornsby War Memorial Hall. A detailed heritage assessment would be required to accompany any future DA, providing the opportunity to clarify, identify and grade the heritage significance of particular fabric components and potential impacts depending on the design and layout of any future development.

As discussed above under the heading Alternative Design Outcomes, the Planning Proposal does not seek to change the current zoning or permissible uses of the site and the proposal does not propose amalgamation of the War Memorial Hall site with the RSL site. The Proposal includes the War Memorial Hall so that the height uplift is consistent. Any property or development negotiations are not the role of Council. However, it is assumed that an integrated and holistic development with an adjoining or adjacent site would be a better outcome given the size of the War Memorial Hall site. Any future development application for the RSL or War memorial site would be required to address the site isolation requirements of the Hornsby DCP.

Recommendation

That no changes are made to the Planning Proposal in response to submissions received from the Hornsby War Memorial Hall Committee.

Public consultation

Concerns were raised regarding the timing and duration of exhibition of the Planning Proposal over the summer holidays.

Comment

The Planning Proposal was publicly exhibited for a two month period between 1 December 2022 and 31 January 2023. This was required to meet the requirements of the Gateway Determination and Council's obligations under the *NSW Public Spaces Legacy Program* (PSLP) to commence public exhibition prior to the end of the 2022 calendar year.

The period of the exhibition exceeds the requirements of the Gateway Determination (25 days) and Council's Community Engagement Plan 2021 (28 days). An extended exhibition period was provided to maximise submission opportunities for the community over the Christmas/New Year and summer holiday period. Late submissions were considered up until the time of writing of this report.

Recommendation

That no changes are made to the Planning Proposal in response to submissions commenting on the timing of the exhibition.

CONSULTATION

The Planning Proposal was exhibited between 1 December 2022 and 31 January 2023 in accordance with the *Hornsby Shire Community Engagement Plan 2021*, the public exhibition requirements of the *Local Environmental Plan Making Guidelines 2021* and the Gateway Determination. It included:

- Advertisement in the Hornsby Ku-ring-gai Post.
- Advertisement on Council's 'Your Say Hornsby' website.
- Advertisement in Council's electronic newsletter.
- Letters to affected landowners who own, adjoin or are in proximity to the subject sites.
- Displays at the Council Administration Building and Hornsby local library.
- Consultation with public authorities including Transport for NSW, Sydney Trains, NSW Police, Sydney Water, Endeavour Energy and the NSW Rural Fire Service.

Notification letters were sent to Transport for NSW, Sydney Trains, NSW Police, Sydney Water, Endeavour Energy and the NSW Rural Fire Service. Responses were received from Sydney Water, Endeavour Energy, Transport for NSW, Sydney Trains and the Transport Asset Holding Entity. No objections were raised to the Planning Proposal.

BUDGET

The matter has no direct financial impact upon Council's adopted budget or Long Term Financial Plan.

POLICY

The Gateway Determination has authorised Council as planning proposal authority to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act. Council has authorisation to exercise its delegation of plan-making powers for this Planning Proposal, including the power to finalise or not proceed with the proposal.

Once endorsed, the DCP amendments attached to this report would come into effect on the making of the Planning Proposal.

CONCLUSION

The High Street and Ashley Street Planning Proposal and supporting draft amendments to the HDCP were publicly exhibited from 1 December 2022 to 31 January 2023. A total of 43 submissions were received.

Approximately half of submissions received were in support of the proposal and half raised objections. Key concerns include built form and character, heritage, carparking and traffic, overshadowing, residential amenity, alternative development scenarios and consultation processes.

The matters raised have been addressed in this report and no changes the Planning Proposal are recommended.

It is recommended that Council endorse the High Street and Ashley Street Hornsby Planning Proposal for finalisation and adopt the amendments to the HDCP attached to Director's Report No. PC4/23.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Land Use Planning – Katherine Vickery - who can be contacted on 9847 6744.

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Attachments:

1. Attachment 1 - Gateway Determination
2. Attachment 2 - High Street and Ashling Proposal
3. Attachment 3 - Draft Amendments to the Hornsby Development Control Plan 2013

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